

REMARKS

The Examiner has indicated that claims 1-15 and 36-42 would be allowable if rewritten in independent form, stating:

[t]he prior art of record does not teach nor render obvious the overall claimed combination of a method for preventing or treating a respiratory condition using the device set forth in claims 1 and 25 wherein the device encloses only one external nare and does not extend into the nostril of the mammal and having an interface lumen the diameter of which does not enclose a second external nare of a mammal.

Accordingly, claims 1-14, 22-35, and 43-45 were canceled. The limitations of claim 1 (drawn to a device) have been incorporated into method claim 15, and the limitations of claim 25 (also drawn to a device) were incorporated into method claim 36.

No new matter has been added by this amendment.

35 U.S.C. § 102

Claims 1,3, 4, 6-8, 10-14, 22, 25-30, 32-35, and 43 were rejected for anticipation by Foley et al. (U.S. Patent No. 5,042,467; “the ‘467 patent). These claims have been canceled in order to expedite prosecution. Therefore, this rejection is moot

35 U.S.C. § 103

Claims 9, 23, 24, 31, 44, and 45 were rejected for obviousness over the ‘467 patent. This rejection is also moot in view of the cancellation of the rejected claims.

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CONCLUSION

In view of the foregoing amendments, Applicants submit that the application is in condition for allowance and such action is respectfully requested.

No fees are believed to be due in connection with this amendment. The Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 21629-001.

Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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